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OLC 74-0233

24 January 1974

MEMORANDUM FOR: Legislative Counsel

SUBJECT : CIA Adoption of Statutory Claims Authority

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1. The attached legal opinion by OGC to adopt the statutory authority of the State Department to settle certain employee damage claims in the amount of \$10,000 was approved by the Director. To date, the Agency has been adjudicating claims on the basis of a \$6,500 limitation, established by the original law (August 31, 1964).

[REDACTED]

2. The opinion notes that the change in the law for the Department of State permitted claims previously settled under the \$6,500 limitation to be resubmitted for settlement not to exceed \$10,000. This retroactive provision, however, was limited to one year from the date of enactment, July 13, 1972, and readjudications under that authority would be barred.

3. Though the Agency can now adjudicate claims up to \$10,000, it is recommended that we still actively pursue pending bills to raise the limit for all Government departments. The legislation not only raises the ceiling to \$12,000, but it provides that claims settled for \$6,500, since August 1964, may be readjudicated for up to \$12,000.

STATINTL !

[REDACTED]
Assistant Legislative Counsel

Attachment

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OGC 73-2347

20 December 1973

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MEMORANDUM FOR: Director of Central Intelligence

SUBJECT : CIA Adoption of Statutory Claims Authority

1. Action Requested. It is requested that the Director, by signature to this paper, adopt statutory authority to settle certain employee claims in the amount of \$10,000.

2. Background Data. By statute (31 U. S. C. 241(b)(1)(A)), government departments are authorized to settle claims up to \$6,500 presented by employees to compensate for loss or damage to personal property incident to their service. By amendment to that provision, the Defense Department and the military departments, the Department of State, AID, USIA, U. S. Arms Control and Disarmament Agency, ACTION and OPIC, may settle such claims up to \$10,000. Under the amendment, claims approved up to the \$6,500 limitation established by the original law (August 31, 1964) may be resubmitted and approved in amounts up to \$10,000. Legislation is now pending which would raise the limit for all government departments to \$12,000.

4. A claim by a CIA employee of some \$11,700 has now been presented which, except for the amount, could be approved under 31 U. S. C. 241 (b)(1)(A). The CIA Claims Review Board and the DD/M&S in fact have approved it in the amount of \$6,500, the maximum within their authority. It is believed the interests of the Agency and its employees would be served by the establishment of authority permitting the Agency to settle claims up to \$10,000 in amount.

5. Staff Position. The Office of Personnel and Office of Finance have concurred.

6. Action Recommended. It is recommended that you approve the adoption of the authority now available to the military, the State Department and certain other agencies having overseas responsibilities (Section 106 of P. L. 92-352) for application by this Agency with respect to claims of its employees. Specifically, Section 106 raises the maximum to \$10,000 and permits claims settled under the \$6,500 limitation to be resubmitted for settlement in amounts not exceeding \$10,000.

STATINTL

Associate General Counsel

STATINTL

APPROVED: _____

9 JAN 1974

DISAPPROVED: _____

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1 - [REDACTED] Release 2001/08/30 : CIA-RDP75B00380R000600090008-3

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